Santamauro, Jon

From: rosenhw@amargosa.net
Sent: Monday, April 30, 2001 5:51 PM
To: scpcomments@uspto.gov
Subject: Comments re harmonizing int'l patent laws

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(1) First-to-invent
First to file is preferred as long as one can make a provisional filing with a year of grace before having to convert.

This simplifies things.

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(2) Useful Arts.
This needs to be tightened.

Current practice is being abused.

It is not a tool an independent inventor can use if he wishes to compete against patent mills that reduce the business turf to matrices of activities, even words, and then file broad claims covering a vast ocean one can neither understand nor avoid infringing.

On the enterprise level, it is anti-competitive.

This one reminds me of the local medieval right-to-passage tax collectors who dampened travel and the innovation travel brings.

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(3) Best mode.
Keep these restrictions.

They are consistent with an open society. Concealment is anti-competitive.

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(4) Technical fields.
Adopt this, the fields permitted need clear definition.

Current law is too vague, great for lawyers, but not for the independent inventor.

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(5) Multiple inventions.
Drop this

It confuses things.

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(6) Utility requirement.
Abandon this.

Current law is too vague as to just what is patentable. Something more efficient is needed.

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(7) Global priority date.
Adopt this,

This simply brings patent laws into modern life and times. Global priority encourages competitiveness by limiting the ability of a national entity to behave like a cartel.

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(8) Novel and obvious -vs- novel only.
Keep Novel AND OBVIOUS.

Novelty only is anti-competitive as it provides means by which the big guys can smother smaller types. It is happening now in the PTO. I can provide a detailed description with names, patent numbers, prior art etc.

HOWEVER many, if not most, inventions now issuing are obvious to anyone skilled in the art. Dropping the obvious requirement would be anti-competitive.

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(10) Globalize prior art.
Adopt this.

This simply brings patent laws into modern life and times. Global prior art encourages competitiveness by limiting the ability of a national entity to behave like a cartel.

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(11) Loss of right provisions
Keep this provision

Otherwise it would be possible to extend the statutory life of a patent. This can have anti-competitive effects.

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(12) Novelty.
Retain current features.

These techniques are all useful to the independent inventor.

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(13) Obviousness
This definition needs to be made more definite.

Lack of an objective distinction is anti-competitive, again I can provide personal experience. This one is embedded in (8) and has the same effects.

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(14) Multiple claims dependent on multiple claims without limit.
This should be adopted.

To do otherwise makes the independent inventor subject to "work around" by the big guys.

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(16) Doctrine of equivalent
Keep this.

It is anti-competitive to do otherwise.

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(17) Filing in name of inventor.
Keep this

To not do so would be a disincentive for the corporate inventors.

Ideas arise from people, whether or not they are independent. Naming the inventor is a motivator for the corporate inventor, s/he can list issued patents on his/her resume. The effect of taking it away will be a disincentive.

The corporate manager loses this non-monetary motivational tools. Money is NOT the only motivator. In our modern society, it is not even the most important one.

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